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MINERAL AGGREGATE RESOURCE PLANNING POLICY

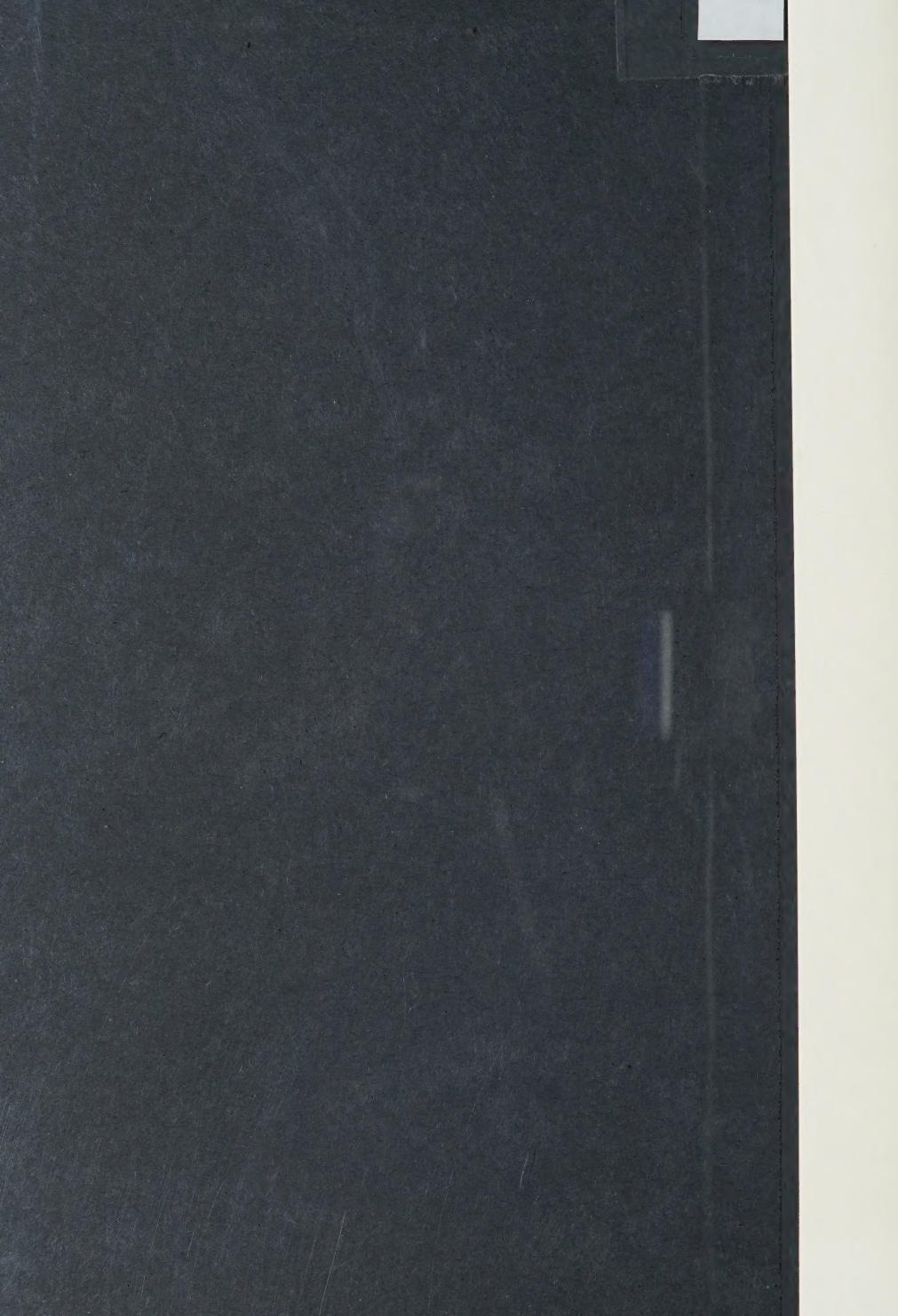


Ontario

Ministry of
Natural
Resources

Hon. Alan W. Pope
Minister

W. T. Foster
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MINERAL AGGREGATE RESOURCE PLANNING POLICY

A provincial policy on planning for
mineral aggregate resources

Approved by Cabinet
December 22 1982



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Ministry of
Natural
Resources

Hon. Alan W. Pope
Minister


W. T. Foster
Deputy Minister

Prepared by
Ministry of Natural Resources
in consultation with
Ministry of Municipal Affairs and Housing
and
Ministry of Transportation and Communications

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PURPOSE

This document is a formal provincial policy on planning for mineral aggregate resources.

INTERPRETATION

This policy recognizes that other matters such as forestry, agriculture, housing, recreation and environment must also receive consideration in land use planning at the municipal level.

Furthermore, it is not intended to supersede or take priority over other provincial planning policies. Rather it should be implemented in conjunction with other relevant provincial policies and regulations.

BACKGROUND

This policy was prepared by the Ministry of Natural Resources in consultation with the Ministry of Municipal Affairs and Housing and the Ministry of Transportation and Communications. It supersedes the "Mineral Aggregate Policy for Official Plans" endorsed by the Minister of Natural Resources, September 11, 1979.

Mineral aggregates are vital to Ontario's economy. In 1980, for example, approximately 120 million tonnes or more than fourteen tonnes of mineral aggregate per capita were used in Ontario.

Although potential reserves exist in many parts of the Province, a reduction in the availability of mineral aggregates is occurring as a result of:

- depletion of near market supplies;
- effective elimination of some valuable mineral aggregate sources by incompatible land uses, for example housing, occurring over or adjacent to the deposits.
- restrictive planning, legislation and other controls which make the establishment and operation of pits and quarries difficult.

Serious shortages of mineral aggregates are occurring within certain parts of Ontario. Shortages result in increased mineral aggregate costs whether through hauling the material from distant sources; through using more expensive substitute materials; or through using more expensive processing techniques to upgrade lower quality materials. Such increased costs are ultimately transferred to the consumer.

Planning programs should ensure that sufficient mineral aggregate resources are available to meet the future needs of Ontario residents. Municipal official plans for example, should provide safeguards to ensure that sufficient mineral aggregate is available to meet local, regional and provincial needs.

This policy establishes mineral aggregate resources as a matter of provincial interest and concern. It includes specific policies to ensure that due regard is paid to the importance of mineral aggregates and that the overall provincial interest is taken into account in any related planning action.

DEFINITION

For the purpose of this policy, mineral aggregates shall mean: sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, salt and talc, or mine tailings.

PRINCIPLES

The following mineral aggregate resource planning principles are recognized as the basis for the policies contained in this document.

1. Mineral aggregates are essential natural resources. Wherever they occur, they should be recognized as important components in any comprehensive land use or resource management program.
2. Mineral aggregates should be available to the consumers of Ontario at a reasonable cost.
3. All parts of Ontario possessing mineral aggregate resources share a responsibility for meeting future provincial demand.
4. Notwithstanding the need for mineral aggregates, it is essential to ensure that extraction is carried out with minimal social and environmental cost. In this regard there is a recognized need to develop policy and regulatory provisions that:
 - a) establish good operating standards;
 - b) ensure rehabilitation;
 - c) establish evaluation and approval procedures for creating new operations and expanding existing operations.
5. The supply of mineral aggregates is essential to the overall development of any area. It is necessary to maintain sources of supply as close to markets as possible until such time as long distance transportation may become feasible.
6. In some instances other land uses, such as special agricultural uses, may take precedence over aggregate extraction, including wayside pits and quarries.

With regard to agricultural uses, reference should also be made to the Foodland Guidelines.
7. Wayside pits and quarries are needed on a temporary basis and often at short notice to supply mineral aggregates for certain projects of public authorities such as roads, at minimum cost to the taxpayer. They therefore require simplified planning and approval consideration.
8. Municipalities have an important role in planning for mineral aggregate resources and aggregate operations.

POLICY

1. General Policies

- 1.1 All land use planning and resource management agencies within the province shall have regard for the implications of their actions on the availability of mineral aggregate resources to meet future local, regional and provincial needs.
- 1.2 Any planning jurisdiction, including municipalities and planning boards, shall be encouraged to identify and protect as much of its mineral aggregate resources as is practicable to supply local, regional and provincial needs.

2. Policies for Official Plans

Official plans approved under the provisions of The Planning Act, should comply with the following policies:

- 2.1 The official plan should protect legally existing pits and quarries from incompatible land uses.
Legally existing pits and quarries include:
 - a) lands under licence or permit, other than wayside pits and quarries, issued in accordance with The Pits and Quarries Control Act, 1971, or The Mining Act, or successors thereto; and
 - b) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including enough adjacent land to permit continuation of the operation.
- 2.2 The official plan should identify and protect from land uses which are incompatible with possible future extraction as much of the mineral aggregate resources occurring in the municipality as is realistically possible in the context of the municipality's other necessary land use planning objectives, and in recognition of the continuing local, regional and provincial need for mineral aggregates. Incompatible land uses could include such uses as high density residential or industrial development.
- 2.3 It is recognized that extraction may not be feasible or advisable throughout all areas of mineral aggregate resources protected in the official plan. The municipality may establish policies to permit land uses or developments in these areas under carefully considered circumstances where it can be shown:
 - a) that extraction would not be feasible; or
 - b) that the proposed land use or development serves a greater long term interest of the general public than does aggregate extraction; or
 - c) that the proposed land use or development would not significantly preclude or hinder future extraction.

- 2.4 The official plan should provide a clear and reasonable mechanism to permit the establishment or expansion of pits and quarries, including policies that:

- a) outline any amendments that may be required to the official plan and/or zoning by-law;
- b) specify the information required by a municipality to evaluate an amendment application; and
- c) specify the matters that the municipality will consider when evaluating an amendment application, including protection of existing land uses.

- 2.5 The official plan should permit wayside pits and quarries without requiring an amendment to the plan or zoning by-law, except the plan may require a rezoning for a wayside pit or quarry in areas of existing development or particular environmental sensitivity which are designated in the plan.

- 2.6 Policies to encourage rehabilitation to an after-use compatible with the long term uses permitted by the plan shall be included in the official plan.

3. Policies for Zoning By-Laws

Zoning (Restricted Area) by-laws approved under the provisions of The Planning Act, RSO 1970, as amended, or successor thereto, shall comply with the following policies:

- 3.1 All legally existing pits and quarries shall be regulated in a zoning by-law in such a way that these operations are a permitted activity with no uses or other activities permitted that would be incompatible with mineral aggregate operations.
This shall include:
 - a) lands under licence or permit, other than wayside pits and quarries, issued in accordance with The Pits and Quarries Control Act, 1971, or The Mining Act, or successors thereto; and
 - b) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including enough adjacent land to permit continuation of the operation.
- 3.2 In municipalities not subject to an official plan, mineral aggregate deposits identified for protection by the Ministry of Natural Resources in conjunction with the municipality, may be placed in a zoning category which prohibits uses that are incompatible with possible future extraction.
- 3.3 Zoning by-laws shall permit wayside pits and quarries in all zoning categories, except in zones which are established to recognize existing development or areas of particular environmental sensitivity, where wayside pits and quarries may be prohibited.

ROLE OF THE PROVINCE

The objective of the government is to ensure that local, regional and provincial needs for mineral aggregates are met with minimal disturbance to the social and natural environment.

This will be achieved through implementation of this policy including the following government functions.

1. The Ministry of Natural Resources, within the context of its mandate to manage mineral aggregate resources at the provincial level shall:
 - a) provide all pertinent geological information, including mineral aggregate resource mapping and technical assistance, to any government body or planning authority, in particular municipalities, and assist municipalities to define and protect mineral aggregate resource areas.
 - b) provide comments to planning review and approval agencies on proposed planning actions that may have implications for mineral aggregate resource development. Comments shall relate to the compliance of these actions with this policy and to wise mineral aggregate resource management.
 - c) prepare guidelines for the Ministry, municipalities and other agencies responsible for mineral aggregate resource planning and management, to assist in implementing this policy. These guidelines will be developed in conjunction with the Ministry's other goals and objectives and through consultation with other concerned Ministries.
 - d) undertake research programs to investigate a wide array of mineral aggregate resource management topics. Special emphasis shall be given to determining ways in which the supply burden of certain high production municipalities may be reduced. In this respect alternative sources of supply will be investigated.
 - e) make representation or provide technical expertise to the Ontario Municipal Board where compliance with this policy may be an issue.
 - f) administer and enforce the provisions of The Pits and Quarries Control Act, 1971 and The Mining Act, or successors thereto.
 - g) encourage the concept of extraction as an interim land use activity. Toward this end the Ministry shall:
 - encourage operators of extractive sites to make the most effective use of the land resource;
 - encourage sequential land use and progressive and ultimate rehabilitation with the active extraction area limited to a minimum practical size;
 - encourage operation of the site in a manner as compatible as possible with surrounding land uses and activities;

- encourage all depleted extractive sites, including wayside pits and quarries, to be returned to a condition suitable for an acceptable after use and compatible with adjacent land uses.

- h) establish, in conjunction with the Ministry of Transportation and Communications, procedures for approval, operation and rehabilitation of wayside pits and quarries used to supply aggregate for projects of that Ministry. Other interested agencies shall be consulted.
 - i) undertake any other action necessary to ensure that this policy is adhered to within the limits of the Ministry's statutory authority.
 - j) encourage aggregate producers to embody the spirit of wise mineral aggregate resource management.
2. The Ministries of Municipal Affairs and Housing and Natural Resources shall advise and explain to municipalities and other planning agencies, the content of this policy and its application.
3. The Ministry of Transportation and Communications shall advise and explain to municipalities and other planning agencies, the application of this policy in regard to wayside pits and quarries and that Ministry's requirements for mineral aggregates.
4. Other Ministries have responsibilities relating to pits and quarries and they should provide input to the planning process as appropriate.

IMPLEMENTATION

1. Any Minister, Ministry, the Ontario Municipal Board or other body or resource management agency that has been assigned an approval or review function on matters of land use or resource planning by provincial statute, regulation, or delegation shall have due regard to this policy when making a planning decision that affects mineral aggregate resource lands. In particular, the Ministry of Municipal Affairs and Housing shall ensure that all municipal planning documents which it is required to review or approve, adequately comply with this policy. In this regard the Ministry of Municipal Affairs and Housing or other approval or review body shall solicit comments from the Ministry of Natural Resources on whether any relevant proposed action is in compliance with this policy.
2. Local municipalities, regional municipalities and counties shall ensure that all official plans, by-laws and planning programs undertaken by their respective Council or delegated authority are in compliance with this policy.
3. Existing approved official plans and zoning by-laws shall be amended to comply with this policy at such time as they come up for review.

